IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

Crl.Rev.Pet.No. 834 of 2000()

CRA.257/1996 of SESSIONS COURT, THODUPUZHA
CC.258/1992 of CHIEF JUDICIAL MAGISTRATE COURT, THODUPUZHA

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REVN. PETITIONER: APPELLANT/ACCUSED

GOPI, S/O.RAMAN
CHELAPLACKAL HOUSE
PARAMBUKATTUMALA BHAGOM
ELAMDESOM KARA, VELLIAMATTOM VILLAGE.

BY ADV. SRI.KOSHY GEORGE

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI
SRI.SAJU JOHN

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 22/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRRPNO.834/00

ORDER ON CRL.M.P.NO.4427/2000 IN CRL.R.P.NO.834/2000

DISMISSED

21.11.2007 SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

Crl.R.P.No.834 of 2000

Dated this the 21st day of November, 2007

O R D E R

The revision petitioner is the accused in C.C.No.258/92 who stands convicted for the offence under Section 326IPC and sentenced to undergo R.I. for a period of two years and to pay a fine of Rs.10,000/- and in default, to undergo R.I. for six months.

2. The prosecution case is that on 20.2.1992 at about 6.30 p.m. in the varandah of shop building bearing registration No.III/56 at Velliyamattom Panchayath, the accused stabbed PW1 on the left thigh causing grievous injuries and he was inpatient from 20.2.1992 to 23.3.1992 at Medical College Hospital, Kottayam. The revision petitioner/accused as well as the defacto complainant has filed a joint petition seeking compounding of the matter. It is submitted that the matter has been settled. Of course, the joint petition filed cannot be acted upon as the offence is not compoundable. All the same, considering the fact that the parties have settled the matter the offence imposed for the offence under Section 326 IPC is

modified to imprisonment till the rising of the court and to pay a fine of Rs.10,000/- and in default, to undergo R.I. for a period of six months. The fine amount if remitted shall be paid to PW1. It is submitted that same amount has already been deposited, and if so, PW1 is permitted to withdraw the amount. The accused shall appear before Chief Judicial Magistrate Court, Thodupuzha on 19.12.2007 to receive sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl